

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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JOHN LAMAR MITCHELL, #220 771

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Petitioner,

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v.

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2:08-CV-57-MHT

WARDEN CUMMINS, *et al.*,

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Respondents.

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**ORDER ON MOTION**

Upon consideration of the motion to change venue filed by Petitioner and in light of the Recommendation of the Magistrate Judge entered February 21, 2008 wherein the undersigned recommends transfer of this case to the United States District Court for the Northern District of Alabama, it is

ORDERED that the motion (*Doc. No. 3*) be and is hereby DENIED as moot.

Done, this 21<sup>st</sup> day of February 2008.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE